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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,949

10/28/2004

John Phillip Brown

04190

5308

23338

7590

02/14/2006

DENNISON, SCHULTZ, DOUGHERTY & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

SOTELO, JESUS D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/510,949	Applicant(s) BROWN, JOHN PHILLIP	
	Examiner Jesús D. Sotelo	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are in the application.

Specification

2. Regarding the proposed amendment to the specification, applicant is noted that the specification, as filed, does not include paragraph numbers. As such, the location of the proposed amendment is not clear. On the other hand, the proposed amendment will not be entered as it is ambiguous. The threads in the receiving members have been previously described. The recitation of “additional threads 10” implies that there are threads in the receiving members 3 separate from the regular threads. This is not particularly clear and it has no basis in the original disclosure.

Drawings

3. The proposed drawing correction is approved.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of “one or more of said receiving members has attached thereto one or more of said containers” is indefinite for it is not clear how one receiving member has attached thereto more than one container; nor how “more than one receiving members” can have one container attached thereto.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 8-15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chester et al (5,235,929) in view of Ritson (6,454,123).

Chester et al discloses a frame portion 46; a plurality of receiving members 36 attached to the frame and each adapted to receive a hollow container 30; and means for attaching the frame to a dock structure. Ritson discloses a support element for receiving a tubular container and teaches providing the same with different ways to stabilize the same including the use of a plurality of supports 56 in figure 4. The receiving member 36 of Chester et al is analogous to the receiving member in figure 6 of Ritson. In view of these disclosures, it would have been obvious to one skilled in the art to provide the receiving members 36 of Chester et al with a plurality of supports extending in a radial direction, generally as taught by Ritson. To provide the receiving members support elements as taught by Ritson would have been desirable to provide the receiving members with more stability.

To secure the float assembly of Chester et al to the underside of a dock structure would have been an obvious matter of design choice to one having ordinary skill in the art. With reference to claim 10, the adhesive used in the receiving member acts as an internal gasket.

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8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chester et al (5,235,929) in view of Ritson (6,454,123), as applied to claims 1-5 and 8-19, further in view of Morris (5,743,205).

Morris discloses a floating dock element and teaches providing attaching means for connecting the floating dock element to a dock structure. In view of these disclosures, it would have been obvious to one having ordinary skill in the art to provide the floating dock element of Chester et al with attaching means generally as taught by Morris. The use of floatation elements connected to dock structures is well known in the art as taught by Morris. Connecting the same as taught by Morris would be an obvious expedient to one skilled in the art.

Response to Arguments

9. Applicant's arguments with respect to claims 1-15 and 17-19 have been considered but are moot in view of the new ground(s) of rejection.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is 571-272-6686. The examiner can normally be reached on Mon. – Fri. 5:30 AM – 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jesús D. Satelo
Jesús D. Satelo 2/8/06

Primary Examiner
Art unit 3617
KNX 03D69 ☺

jds
February 8, 2006